THE HON'BLE SRI JUSTICE V. ESWARAIAH

W.P.No.18121 of 2007:

Date:28.08.2007

Between:

Rompicherla Manganadha Charyulu and another
.....Petitioners

And/-

The Government of A.P. rep. By its Secretary, Home Dept. Hyderabad and 11 others
....Respondents.

ORDER:

The petitioners seek a writ of mandamus to direct the respondent authorities to take appropriate action on the representation, dated 17.08.2007 and the complaint, dated 30.05.2007 submitted by the first petitioner, as illegal and arbitrary.

It is stated that both the representations dated 17.08.2007 and 30.05.2007 have been filed by the first petitioner who is the father of the second petitioner about the alleged illegal action on the part of the other persons in-charge of 7th respondent-Society and the illegal action committed by them. But, admittedly, the second petitioner has not made any complaint/representation.

It is stated that the second petitioner is a cashier in the 7th respondent-society and there are certain misappropriation of funds by the concerned alleging that the second petitioner is involved in the said misappropriation of funds and the action is sought to be taken against him.

If any illegal action is initiated against the 2nd petitioner, it is for the second petitioner to take appropriate action. Insofar as the illegal criminal action is concerned, it is for the second petitioner to make a complaint before the concerned police and if the police do not take any action, he got alternative remedy to file a private complaint. Therefore, I am of the opinion that the first petitioner who is the father of the second petitioner cannot make a representation on behalf of his son/second petitioner for taking necessary action.

Insofar as the illegal action on the part of the first petitioner is concerned, if the police has not acted upon the said representation, dated 30.05.2007, it is always open for the first petitioner also to take appropriate action by filing a private complaint under Section
190 r/w 200 Cr.P.C.

With the aforesaid observations, the writ petition is disposed of. No costs.

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V.ESWARAIAH,J

Date:28.08.2007
ccm

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